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July 3, 2014

BY ECF FILING AND FEDEX

Hon. Kenneth M. Karas
United States District Court for the Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: Consedine v. PepsiCo, Inc. (14 CV 2238)

Dear Judge Karas:

I am writing on behalf of plaintiff Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, in his capacity as Liquidator of Reliance Insurance Company ("Plaintiff"), to advise the Court that Plaintiff has voluntarily dismissed the above-entitled action without prejudice. A copy of the Notice of Voluntary Dismissal is enclosed.

A pre-motion conference relating to defendant's proposed motion to dismiss is scheduled to be held at 3:30 P.M. on July 10, 2014. Based on the dismissal of the action, the conference is no longer necessary and should be removed from Your Honor's calendar.

Respectfully,



Fran M. Jacobs

Encl.

cc: Peter Laun, Esq. (By ECF)
Lisa M. Cirando, Esq. (By ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL F. CONSEDINE, Insurance :
Commissioner of the Commonwealth of :
Pennsylvania, in his official capacity as Liquidator :
of Reliance Insurance Company, : 14-cv-02238 (KMK)
: :
Plaintiff, : NOTICE OF VOLUNTARY
: DISMISSAL WITHOUT
-against- : PREJUDICE UNDER
: FED. R. CIV. P. 41(A)(1)(A)(I)
PEPSICO, INC., :
: :
Defendant. :
-----X

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, defendant having not yet served an answer to the complaint or motion for summary judgment in the above-entitled action, plaintiff hereby dismisses the above-entitled action without prejudice.

Dated: New York, New York
July 3, 2014

DUANE MORRIS LLP

By /s/ Fran M. Jacobs
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